

Requested by Representative HAYDEN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3063**

1 On page 1 of the printed bill, line 2, after “433.102,” insert “433.235,”.

2 After line 4, insert:

3 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part**
4 **of ORS 433.235 to 433.284.**

5 **“SECTION 2. (1) As used in this section, ‘average statewide dis-**
6 **tribution’ means the amount determined by the Department of Edu-**
7 **cation each school year that equals the average per student**
8 **distribution of the State School Fund as general purpose grants for**
9 **all school districts in this state, as adjusted by any weights described**
10 **in ORS 327.013 (1)(c)(A).**

11 **“(2) A parent may decline one or more immunizations on behalf of**
12 **a child because of a religious or philosophical belief.**

13 **“(3) The parent shall provide to the school that the child would**
14 **otherwise attend if the parent did not decline one or more immuniza-**
15 **tions a document, on a form prescribed by the Oregon Health Au-**
16 **thority by rule, that includes:**

17 **“(a) The reason for declining the immunization; and**

18 **“(b) Either:**

19 **“(A) A signature from a health care practitioner verifying that the**
20 **health care practitioner has reviewed with the parent information**
21 **about the risks and benefits of immunization that is consistent with**

1 information published by the Centers for Disease Control and Pre-
2 vention and the contents of the vaccine educational module approved
3 by the authority pursuant to rules adopted under ORS 433.273; or

4 “(B) A certificate verifying that the parent has completed a vaccine
5 educational module approved by the authority pursuant to rules
6 adopted under ORS 433.273.

7 “(4) The department shall issue to the parent of a child who is not
8 immunized for a reason described in subsection (2) of this section a
9 voucher in the amount of the average statewide distribution. A
10 voucher issued under this subsection must be used for:

11 “(a) The child’s attendance at a private or parochial school in this
12 state that complies with the requirements of ORS 339.030 (1)(a); or

13 “(b) Teaching the child, in compliance with ORS 339.035, in the
14 child’s home by a parent or private teacher.

15 “(5)(a) The authority, in consultation with the State Board of Edu-
16 cation, shall adopt rules to carry out this section. Rules adopted under
17 this subsection must include rules to:

18 “(A) Prescribe the form described in subsection (3) of this section;
19 and

20 “(B) Establish a process to notify the department of the authority’s
21 receipt of a form described in subsection (3) of this section.

22 “(b) The authority, in consultation with the board, may adopt other
23 rules as necessary to carry out this section.

24 (6) The board, in consultation with the authority, may adopt rules
25 to carry out this section.”.

26 In line 5, delete “1” and insert “3”.

27 In line 9, after the bracketed material insert “or section 2 of this 2019
28 Act”.

29 After line 9, insert:

30 **“SECTION 4.** ORS 433.235 is amended to read:

1 “433.235. As used in ORS 433.235 to 433.284:

2 “(1) ‘Administrator’ means the principal or other person having general
3 control and supervision of a school or children’s facility.

4 “(2) ‘Children’s facility’ or ‘facility’ means:

5 “(a) A certified child care facility as described in ORS 329A.030 and
6 329A.250 to 329A.450, except as exempted by rule of the Oregon Health Au-
7 thority;

8 “(b) A program operated by, or sharing the premises with, a certified child
9 care facility, school or post-secondary institution where care is provided to
10 children, six weeks of age to kindergarten entry, except as exempted by rule
11 of the authority; or

12 “(c) A program providing child care or educational services to children,
13 six weeks of age to kindergarten entry, in a residential or nonresidential
14 setting, except as exempted by rule of the authority.

15 “(3) ‘Local health department’ has the meaning given that term in ORS
16 431.003.

17 “(4) ‘Parent’ means a parent or guardian of a child or any adult respon-
18 sible for the child.

19 “(5) ‘Physician’ means a physician licensed by the Oregon Medical Board
20 or by the Oregon Board of Naturopathic Medicine or a physician similarly
21 licensed by another state or country in which the physician practices or a
22 commissioned medical officer of the Armed Forces or Public Health Service
23 of the United States.

24 “(6)(a) ‘School’ means a public, [*private, parochial,*] charter or alternative
25 educational program offering kindergarten through grade 12 or any part
26 thereof, except as exempted by rule of the authority.

27 “(b) ‘School’ **does not include a private or parochial school or a**
28 **child’s home in which the child is being taught by a parent or private**
29 **teacher.”.**

30 In line 10, delete “2” and insert “5”.

1 On page 3, line 13, delete “3” and insert “6”.

2 On page 4, line 5, delete “4” and insert “7”.

3 In line 19, delete “and”.

4 In line 20, restore the semicolon and delete the period and restore lines
5 21 through 29.

6 In line 27, delete “and”.

7 In line 29, delete the period and insert “; and
8 “(12) Rules to carry out section 2 of this 2019 Act.”.

9 Delete lines 30 through 41 and insert:

10 **“SECTION 8. Section 9 of this 2019 Act is added to and made a part
11 of ORS 433.235 to 433.284.**

12 **“SECTION 9. The Oregon Health Authority shall establish an out-
13 reach and education plan related to the implementation of ORS 433.235
14 to 433.284.**

15 **“SECTION 10. (1) Section 9 of this 2019 Act becomes operative on
16 January 1, 2020.**

17 **“(2) The Oregon Health Authority may take any action before the
18 operative date specified in subsection (1) of this section that is neces-
19 sary to enable the authority to exercise, on and after the operative
20 date specified in subsection (1) of this section, all of the duties, func-
21 tions and powers conferred on the authority by section 9 of this 2019
22 Act.**

23 **“SECTION 11. This 2019 Act being necessary for the immediate
24 preservation of the public peace, health and safety, an emergency is
25 declared to exist, and this 2019 Act takes effect on its passage.”.**

26